

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**TIHO MARINAC,**

**Plaintiff,**

**v.**

**MONDELEZ INTERNATIONAL, INC.,**

**Defendant.**

Civ. No. 2:14-07606 (WJM)

**ORDER**

**THIS MATTER** comes before the Court on (1) Defendant's motion to dismiss Plaintiff's Complaint under Federal Rule of Civil Procedure 12(b)(6) (ECF No. 5) and (2) Plaintiff's cross-motion for leave to file an amended complaint (ECF No. 6). Defendant submitted a letter stating that it does not oppose Plaintiff's cross-motion. ECF No. 7. Given the Third Circuit's liberal approach to the amendment of pleadings and the lack of any opposition, the Court will grant Plaintiff's cross-motion to amend. *See Fed. R. Civ. P. 15(a)(2); In re Burlington Coat Factory Secs. Litig.*, 114 F.3d 1410, 1434 (3d Cir. 1997). Defendant's motion to dismiss the original Complaint will be denied without prejudice.

For the foregoing reasons; and for good cause appearing;

**IT IS** on this 28<sup>th</sup> day of April 2015, hereby,

**ORDERED** that the motion to dismiss is **DENIED** without prejudice; and it is further

**ORDERED** that Plaintiff's cross-motion to amend is **GRANTED**; and it is further

**ORDERED** that Plaintiff shall file its amended complaint no later than May 1, 2015.

/s/ William J. Martini  
**WILLIAM J. MARTINI, U.S.D.J.**